

**SUPREME COURT MINUTES
MONDAY, APRIL 8, 2013
SAN FRANCISCO, CALIFORNIA**

S192176 B214397 Second Appellate District, Div. 4 **PEOPLE v. LEIVA (JOSE)**

Opinion filed: Judgment reversed

The judgments of the Court of Appeal are reversed, and the matters are remanded to that court for further proceedings consistent with our opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Werdegar, Corrigan, and Liu, JJ.

Concurring Opinion by Baxter, J.

S195600 B222615 Second Appellate District, Div. 5 **PEOPLE v. CARBAJAL
(VALENTIN)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand the case for further proceedings in accordance with our decision.

Majority Opinion by Liu, J.

-- joined by Cantil-Sakauye, C. J., Werdegar, Chin, and Corrigan, JJ.

Concurring Opinion by Kennard, J.

-- joined by Chin, J.

Concurring Opinion by Baxter, J.

-- joined by Cantil-Sakauye, C. J., Chin, and Corrigan, JJ.

S208363 B234396 Second Appellate District, Div. 3 **PEOPLE v. MENDEZ
(DANIEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 15, 2013.

S208523 D062785 Fourth Appellate District, Div. 1 **PADILLA (MELISSA) v. S.C.
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2013.

S208579 B237074 Second Appellate District, Div. 5 **PEOPLE v. MAYHAM
(CARLTON)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 14, 2013.

S208599 B239119 Second Appellate District, Div. 4 **WHITE (KERRY) v.
HOLLISTER CO.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 14, 2013.

S208611 B242601 Second Appellate District, Div. 5 **CALIFORNIA CHARTER
SCHOOLS ASSOCIATION v.
LOS ANGELES UNIFIED
SCHOOL DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to May 14, 2013.

S208616 E054472 Fourth Appellate District, Div. 2 **DANIELS (NORMA) v.
SUNRISE SENIOR LIVING,
INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 15, 2013.

S208621 B239246 Second Appellate District, Div. 2 **FUCHS & ASSOCIATES, INC.
v. LESSO (ELKE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 15, 2013.

S208636 F062544 Fifth Appellate District **PEOPLE v. GUTIERREZ
(SALVADOR FERNANDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 15, 2013.

S208652 F066537 Fifth Appellate District**HOOKE (JAMES
CHRISTOPHER) v. S.C.
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 16, 2013.

S022998**PEOPLE v. TOWNSEL
(ANTHONY LETRICE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the reply brief by June 27, 2013, counsel's request for an extension of time in which to file that brief is granted to June 4, 2013. After that date, only one further extension totaling about 23 additional days will be granted.

S057156**PEOPLE v. CASE (CHARLES
EDWARD)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to June 10, 2013. After that date, no further extension will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Julia Y. Je's representation that she anticipates filing the respondent's brief by August 30, 2013, counsel's request for an extension of time in which to file that brief is granted to June 3, 2013. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S095223**PEOPLE v. BLOOM
(ROBERT MAURICE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to June 3, 2013.

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to June 4, 2013. The court anticipates that after that date, only three further extensions totaling about 150 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S107782**WELCH (DAVID ESCO) ON
H.C.**

Extension of time granted

On application of the parties and good cause appearing, it is ordered that the time to serve and file exceptions to the report of referee and simultaneous briefs on the merits is extended to June 3, 2013. After that date only two further extensions totaling about 90 additional days are contemplated. Responses, if any, must be served and filed no later than 30 days thereafter.

S112146**PEOPLE v. STAYNER (CARY
ANTHONY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 3, 2013.

S136171**PEOPLE v. WESSON
(MARCUS DELON)**

Extension of time granted

Good cause appearing, and based upon counsel Mark E. Cutler's representation that he anticipates filing the appellant's opening brief during the first quarter of 2014, counsel's request for an extension of time in which to file that brief is granted to June 10, 2013. After that date, only five further extensions totaling about 300 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S138474**PEOPLE v. ANDERSON
(ERIC STEVE)**

Extension of time granted

Good cause appearing, and based upon counsel Joanna McKim's representation that she anticipates filing the appellant's opening brief by September 1, 2013, counsel's request for an extension of time in which to file that brief is granted to June 3, 2013. After that date, only two further extensions totaling about 90 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Timothy Young and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 3, 2013.

S147335**PEOPLE v. MITCHELL, JR.,
(LOUIS)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Harry Gruber's representation that he anticipates filing the appellant's opening brief by March 7, 2014, counsel's request for an extension of time in which to file that brief is granted to June 3, 2013. After that date, only five further extensions totaling about 270 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S154459**PEOPLE v. TURNER
(CHESTER DWAYNE)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Mary K. McComb's representation that she anticipates filing the appellant's opening brief by November 19, 2013, counsel's request for an extension of time in which to file that brief is granted to June 4, 2013. After that date, only three further extensions totaling about 170 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S158112**PEOPLE v. HAMILTON
(ALEXANDER RASHAD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 28, 2013.

S161399**PEOPLE v. MOLANO (CARL
EDWARD)**

Application to file over-length brief granted

Appellant's "Request for Leave to File Overlength Brief" filed on April 2, 2013, is granted.

S161399**PEOPLE v. MOLANO (CARL
EDWARD)**

Extension of time granted

Good cause appearing, and based upon counsel Wesley A. Van Winkle's representation that he anticipates filing the appellant's opening brief by June 3, 2013, counsel's request for an extension of time in which to file that brief is granted to June 3, 2013. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S163417**PEOPLE v. DIXON (JAMES
WINSLOW)**

Extension of time granted

Good cause appearing, and based upon counsel H. Mitchell Caldwell's representation that he anticipates filing the appellant's opening brief by July 1, 2013, counsel's request for an extension of time in which to file that brief is granted to June 3, 2013. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S164370**PEOPLE v. VOLARVICH
(BRENDT ANTHONY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 4, 2013.

S166737**PEOPLE v. FLORES (RALPH STEVEN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 7, 2013.

S167010**PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS ALONZO)**

Extension of time granted

On application of appellant Lorenzo Inez Arias and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 4, 2013.

S167010**PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS A.)**

Extension of time granted

On application of appellant Luis A. Mendoza and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 4, 2013.

S197586**WHEELER (LEROY) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Xiomara Costello's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by September 30, 2013, counsel's request for an extension of time in which to file that document is granted to June 3, 2013. After that date, only two further extensions totaling about 120 additional days will be granted.

S199915**CONTRERAS (JORGE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Barbara Saavedra's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 6, 2013, counsel's request for an extension of time in which to file that document is granted to June 3, 2013. After that date, only three further extensions totaling about 150 additional days will be granted.

S199918**DEHOYOS (RICHARD
LUCIO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Christina Sandidge's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 1, 2013, counsel's request for an extension of time in which to file that document is granted to June 10, 2013. After that date, only two further extensions totaling about 115 additional days are contemplated.

S200923 A125557/A126827 First Appellate District, Div. 1 **DURAN (SAM) v. U.S. BANK
NATIONAL ASSOCIATION**

Extension of time granted

On application of Gallup Organization and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to May 3, 2013.

S200923 A125557/A126827 First Appellate District, Div. 1 **DURAN (SAM) v. U.S. BANK
NATIONAL ASSOCIATION**

Extension of time granted

On application of California Employment Law Council and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to May 3, 2013.

S200923 A125557/A126827 First Appellate District, Div. 1 **DURAN (SAM) v. U.S. BANK
NATIONAL ASSOCIATION**

Extension of time granted

On application of California Chamber of Commerce and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to May 3, 2013.

S203288**AVILA, JR., (JOHNNY) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Louis M. Vasquez's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by May 8, 2013, counsel's request for an extension of time in which to file that document is granted to May 8, 2013. After that date, no further extension will be granted.

S204804**PEABODY (SUSAN J.) v.
TIME WARNER CABLE, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to April 18, 2013.

S207158**REYES II (RICKY
REYNOLDO) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to May 6, 2013.

S207542 E054154 Fourth Appellate District, Div. 2**PEOPLE v. CHANDLER, JR.,
(BEN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 5, 2013.

S207902**NIEVES (SANDI DAWN) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Mary Sanchez's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by August 7, 2013, counsel's request for an extension of time in which to file that document is granted to June 10, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

S208889 A129910 First Appellate District, Div. 2**ANDERSON (ROB) v. CITY &
COUNTY OF SAN
FRANCISCO**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to answer is extended to April 9, 2013.

S200923 A125557/A126827 First Appellate District, Div. 1 **DURAN (SAM) v. U.S. BANK NATIONAL ASSOCIATION**

Application to appear as counsel pro hac vice granted

The application of Allan G. King for admission pro hac vice to appear on behalf of Gallup Organization is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S045696**PEOPLE v. GARCIA (RANDY EUGENE)**

Order appointing Habeas Corpus Resource Center filed

Upon request of condemned inmate Randy Eugene Garcia for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent Randy Eugene Garcia for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of condemned inmate Randy Eugene Garcia.

S049596**PEOPLE v. BRYANT (STANLEY), SMITH (DONALD FRANKLIN) & WHEELER (LEROY)**

Counsel appointment order filed

Upon request of appellant Donald Franklin Smith for appointment of counsel, Gary B. Wells is hereby appointed to represent Donald Franklin Smith for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Donald Franklin Smith.

S207165 C067353 Third Appellate District
Counsel appointment order filed

IN RE D.B.

Upon request of appellant for appointment of counsel, Robert F. McLaughlin is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S207634 D059007 Fourth Appellate District, Div. 1

PEOPLE v. LOWE (JUSTIN SAMUEL)

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Mark A. Hart is hereby appointed to represent appellant on the appeal now pending in this court.

S207830 D059713 Fourth Appellate District, Div. 1

PEOPLE v. GONZALEZ (RAMON FLUGENCIO)

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Raymond M. DiGuiseppe is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S207973 C065399 Third Appellate District

PEOPLE v. SIACKASORN (JIMMY)

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Ann Hopkins is hereby appointed to represent appellant on the appeal now pending in this court.

S099770

PEOPLE v. COOPER (LEON CHAUNCEY)

Order filed

Appellant's "Motion for Permission to File Supplemental Opening Brief" is granted. The supplemental respondent's brief should be served and filed on or before May 6, 2013. Any reply by the appellant should be served and filed within 20 days of the filing of the supplemental respondent's brief.

S131578**SCHMECK (MARK L.) ON
H.C.**

Order filed

Petitioner's "Application for Leave to File Additional Exhibit in Support of Petition for Writ of Habeas Corpus" filed on February 11, 2013, is granted.

S209341

A133504 First Appellate District, Div. 4

**ROSENBERG (JORDAN) v.
SPRINGPOINT SENIOR
LIVING, INC.**

Order filed

The application of appellant for permission to file an amended petition for review is denied.

S209297**GARCIA (JOSE) v. S.C.
(GIPSON)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S209352**NESTE (TROY KENNETH) v.
BEARD (JEFFREY)/(S.C.)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

S209527**THORNTON (CALVIN) v.
BROWN, JR., (EDMUND
G.)/(BOARD OF PAROLE
HEARINGS)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S209610**BASHIR (HAMID BASIL) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S209621**TIDWELL (HAROLD) v.
DEPARTMENT OF
CORRECTIONS &
REHABILITATION**

Transferred to Court of Appeal, Sixth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District.